IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE HON'BLE MR JUSTICEM.H.S. ANSARI

and
THE HON'BLE MR JUSTICE T.CH.SURYA RAO

WRIT PETITION NO : 22540 of 2004

Between:

L.Venugopal @ K.Venugopal, S/o.K.N.Narasimha Reddy,
R/o.Velkur Village, G.D.Nellore post & Mandal,
Chittoor Dist.

..... PETITIONER

AND

1 The Dy.Transport Commissioner & Secretary Regional Transport

Authority, Chittoor.
2 The Motor Vehicles Inspector, Check Post, Palamner, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly on in the nature of Mandamus declaring the seizure and continued detention of petitioner's vehicle LMV O/B Commander Jeep bearing R.No. AP03-G-3663 (E.No.DQ-04343 and C.No.CDR-750DP2DQ04343) seized under vehicle check report in C.No.0986752 dated 2-10-04 by the 2nd respondent and the show-cause notice issued by the 1st respondent in Rc.No.29598/B3/2004 dt.2-12-04 as arbitrary illegal, improper, unjust, unconstitutional and without jurisdiction and consequently direct the respondents to release the petitioners vehicle LMV O/B Commander jeep bearing R.No.AP03-G-3663 (E.No.DQ-04343 and C.No.CDR-750DP2DQ 04343) forthwith to the petitioner.

Counsel for the Petitioner:MR.RAJENDRA BUSSA

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER: (per Hon'ble Mr.Justice M.H.S.Ansari)

Having heard the learned counsel for the parties, we are inclined to dispose of the instant writ petition with certain appropriate directions. This is for the reason that similar matters have been disposed of by orders dated 12-10-2004 in W.P.No.18696 of 2004 and order dated 3-11-2004 in W.P.No.20148 of 2004. Accordingly, the instant writ petition is disposed of directing the respondents to release the subject vehicle to the custody of the petitioner subject to his filing an undertaking that he would not transfer the vehicle pending enquiry and that he would produce the vehicle as and when same is required by the respondent-authorities in the course of enquiry and investigation. Petitioner is directed to deposit a sum of Rs.24,880/- without prejudice to his rights and contentions in the pending proceedings before the respondent-authorities. Upon depositing the said sum and furnishing the undertaking as above, respondents shall release the vehicle in question.

It is hereby clarified that this order is without prejudice to the power of the respondent-authorities to take appropriate action in accordance with the provisions of the A.P. Motor Vehicles Taxation Act, 1963 and the Motor Vehicles Act, 1988 for the alleged violation of public law and they are also at liberty to finalise the pending proceedings initiated pursuant to the impugned show cause notice dated 2-12-2004 in accordance with law. As the petitioner has questioned the show cause notice dated 2-12-2004 without submitting his reply thereto, time is granted by seven days from date hereof to submit reply to the show cause notice and if such reply is filed by the petitioner, within the time so stipulated, same shall be taken on record by respondent No.1 and disposed of in accordance with law.

Writ application accordingly stands disposed of in terms as above. No order as to costs.

M.H.S.ANSARI, J

7-12-2004

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T.CH.SURYA RAO, J

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Note:

Issue copy expeditiously on priority basis.

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To

1 The Dy.Transport Commissioner & Secretary Regional Transport

Authority, Chittoor.
2 The Motor Vehicles Inspector, Check Post, Palamner, Chittoor District.

3 2 CCs to the Govt. Pleader for Transport, High Court Buildings,

Hyderabad, (OUT).

4 2 CD copies.